

**CEMETERY BOARD
MEETING MINUTES
JUNE 20, 2011**

PRESENT: E. Glen Porter, III; W. Ed Greenfield; and Kathleen Cantu

BY LIVE MEETING: Timothy Stanley and Mary Lehman

NOT PRESENT: Cecelia Timmons

STAFF PRESENT: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff for portions of the meeting

CALL TO ORDER

E. Glen Porter, III called the meeting to order at 9:15 a.m. A quorum of five (5) members was present.

APPROVAL OF AGENDA

Amendments to the Agenda

- Item “O” (closed session) “Deliberation on the Following Items Received After the Mailing of the Agenda – 9) Application Reviews” **ADD:**
 - “Deliberation of Request for Change of Trustee – Mount Hope Cemetery Association”
- Item “P” (closed session) “Consulting with Legal Counsel” **ADD:**
 - “Discussion Regarding Alleyway Gravesites”

MOTION: Kathleen Cantu moved, seconded by Ed Greenfield, to approve the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 15, 2011

MOTION: Mary Lehman moved, seconded by Tim Stanley, to approve the Minutes of March 15, 2011 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT – DENISE AVILES, BUREAU DIRECTOR

Department Updates

Denise Aviles informed the Board that the Department will no longer require receipts for reimbursement of travel related expenses.

PRESENTATION OF STIPULATIONS INCLUDING ANY SUBMITTED AFTER PRINTING OF AGENDA

Stewart Enterprises, Inc. and S.E. Cemeteries of WI, Inc. (09 RLC 007)

Angela Arrington, Division of Enforcement (DOE) Prosecuting Attorney, provided the Section with a presentation of the Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Stewart Enterprises, Inc. and S.E. Cemeteries of WI, Inc. (09 RLC 007). This matter will be deliberated in closed session.

LEGISLATION/ADMINISTRATIVE RULE MATTERS INCLUDING ANY SUBMITTED AFTER PRINTING OF AGENDA

Denise Aviles informed the Board that the Department is pursuing an initiative to update rules and statutes for the various boards under its purview. The Board discussed changes that it would like to address with respect to this initiative.

Review And Discuss Proposed Changes to RL 52-54

Yolanda McGowan distributed a rule draft regarding the proposed changes to RL 52-54 and reviewed this draft with the Board.

MOTION: Ed Greenfield moved, seconded by Kathleen Cantu, to include any authorized rule changes, including changes per ch. 157, in the current RL 52-54 rule draft. Motion carried unanimously.

CREDENTIALING MATTERS INCLUDING ANY SUBMITTED AFTER PRINTING OF AGENDA

Glen Porter, III, indicated that Yolanda McGowan has drafted a letter that will be sent to cemeteries in the state requesting that they become credentialed.

PRACTICE ISSUES INCLUDING ANY SUBMITTED AFTER PRINTING OF AGENDA

Newspaper Article: “Deputy City Attorney – Sale of Graves Was Not Allowed”

The Board reviewed this article and discussed the sale of gravesites in Wisconsin. Yolanda McGowan noted that there will be a brief discussion of this topic in closed session for the purpose of legal consultation.

Following the conclusion of closed session the Board acknowledged the existence of this issue and determined that due to its limited authority, a violation of rule or statute would have to occur for the Board to take remedial action. The Board’s ability to remedy an issue of this nature is limited by methodology outlined in its existing rules and statutes.

REPORTS

Annual Report Review Committee

E. Glen Porter, III, reported to the Board regarding the progress of the Annual Report Review Committee. Mr. Porter is expecting results from the 2010 annual report, which will be entered in the spreadsheet and will allow the Board to review trust fund account balances. The Board discussed Joe Vosen's, DOE Auditor, suggestions for revising form # 1786, titled "Cemetery Authority Annual Report" in terms of the scope of the information collected.

MOTION: Kathleen Cantu moved, seconded by Ed Greenfield, to have Ed Greenfield, Tim Stanley, and Glen Porter, III serve on the Annual Report Review Committee and to expand the charge of the Committee to include review and design of the annual report and related materials. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: Kathleen Cantu moved, seconded by Mary Lehman, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.), to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll Call Vote: Kathleen Cantu-yes; Ed Greenfield-yes; Mary Lehman-yes; Glen Porter III-yes; and Tim Stanley-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:44 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ed Greenfield moved, seconded by Tim Stanley, to reconvene into open session at 11:26 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

DELIBERATION ON STIPULATION AND FINAL DECISION AND ORDER

Stewart Enterprise, Inc. and S.E. Cemeteries of WI, Inc. (09 RLC 007)

MOTION: Tim Stanley moved, seconded by Mary Lehman, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Stewart Enterprise, Inc. and S.E. Cemeteries of WI, Inc. (09 RLC 007). Motion carried unanimously.

**DELIBERATION ON THE FOLLOWING ITMES RECEIVED AFTER MAILING OF
THE AGENDA**

**1.) Application Review - Deliberation of Request for Change of Trustee – Mount Hope
Cemetery Association**

MOTION: Ed Greenfield moved, seconded by Kathleen Cantu, to approve Mount Hope Cemetery Association's request for change of trustee of care funds. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Discussion Regarding Alleyway Gravesites

The Board consulted with Legal Counsel McGowan regarding alleyway gravesite usage.

**DIVISION OF ENFORCEMENT (DOE)—SIGNATURES FOR PROPOSED
STIPULATIONS, ORDERS, AND ADMINISTRATIVE WARNINGS**

Signatures were collected for all applicable documentation.

ADJOURNMENT

MOTION: Kathleen Cantu moved, seconded by Mary Lehman, to adjourn the meeting at 11:31 a.m. Motion carried unanimously.

NEXT MEETING DATE: SEPTEMBER 27, 2011